

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. CV 10-03561 WHA (DMR)

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND FACT
DISCOVERY CUT-OFF AND DUE
DATES FOR EXPERT REPORTS**

Judge: Honorable William Alsup

STIPULATION

WHEREAS, fact discovery in this case is scheduled to close on July 29, 2011;

WHEREAS, the parties have diligently attempted to complete all fact discovery by July 29, 2011, and will have completed the bulk of fact discovery by that deadline: (1) Oracle will have completed nine individual depositions (out of ten originally allotted) and ten 30(b)(6) deposition topics (out of fifteen); (2) Google will have completed eight individual depositions (out of ten) and nine 30(b)(6) depositions (out of fifteen); (3) Oracle will have produced approximately 5 million documents; and (4) Google will have produced approximately 4.1 million documents (20 million pages);

WHEREAS, the parties acknowledge that despite their efforts, each party will have a limited amount of discovery to complete after July 29: (1) Oracle will need to complete one individual deposition of its original allotment of ten; three additional two-hour depositions permitted by Magistrate Judge Ryu pursuant to her Order of July 21, 2011; and five 30(b)(6) deposition topics; (2) Google will need to complete two individual depositions and six 30(b)(6) deposition topics; and (3) each party will need to complete its document production, produce final privilege logs, and supplement written discovery responses as necessary;

WHEREAS, the parties agree that a limited extension of deposition discovery to August 15, 2011, would allow the parties to complete already-noticed depositions, except that the depositions of senior executives may need to be scheduled up to August 31, 2011;

WHEREAS, the parties agree that a limited extension of document discovery to August 15, 2011, would allow the parties to complete their productions, with the bulk of remaining documents to be produced by August 5, 2011, and privilege logs and any additional remaining documents to be provided by August 15, 2011;

WHEREAS, the parties agree that a limited extension to August 1, 2011, of the time for supplementing interrogatory responses (other than those that relate to copyright infringement), would allow the parties to finalize their responses;

1 WHEREAS, opening expert reports on non-damages issues are due on July 29, 2011;
2 opposition reports are due fourteen days after the opening reports; reply reports are due seven
3 days after the opposition reports; and expert discovery closes fourteen days after the reply reports;

4 WHEREAS, the parties agree that an extension to August 8, 2011, of the due date for
5 opening expert reports on patent-related issues would permit the experts to incorporate additional
6 discovery materials into their reports;

7 WHEREAS, the parties acknowledge and agree that the limited extensions of fact
8 discovery set forth above, and an extension of the due date for opening expert reports on patent-
9 related issues to August 8, 2011, will not affect, delay, or push back any other deadlines in this
10 case; and

11 WHEREAS, there have been no previous requests by the parties to extend the fact
12 discovery cut-off or the due dates for expert reports.

13 **NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:**

14 1. Deposition discovery in this case shall be extended to August 15, 2011, for the
15 limited purpose of completing depositions already noticed, except that the depositions of senior
16 executives may be scheduled up to August 31, 2011, if necessary.

17 2. Document discovery in this case shall be extended to August 15, 2011, with the
18 bulk of remaining documents to be produced by August 5, 2011, and privilege logs and any
19 additional remaining documents to be provided by August 15, 2011.

20 3. The time for supplementing interrogatory responses (other than those that relate to
21 copyright infringement) shall be extended to August 1, 2011.

22 4. No additional discovery of any kind shall be served and no additional depositions
23 shall be noticed. Discovery motions shall be filed in the time provided by Civil Local Rule 37-3
24 following August 15, 2011.

25 5. On patent-related issues, opening expert reports shall be served by August 8, 2011.
26 The dates for opposition reports, reply reports, and the close of expert discovery shall be triggered
27 by the August 8, 2011 date and shall follow the time periods specified in Paragraph 8 of the
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1 Court's November 19, 2010 Case Management Order. The due dates for expert reports on
2 copyright-related issues remain unaffected.

3 6. No other deadlines in this case will be affected by the foregoing extensions. The
4 parties will not use these extensions to argue for a delay of the trial date or any other deadlines in
5 this case.

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7 **ORDER**

8 The foregoing stipulation is approved, and IT IS SO ORDERED.

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11 Date: _____

12 Honorable William Alsup
13 Judge of the United States District Court
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1 Dated: July 28, 2011

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1 Dated: July 28, 2011

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ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND FACT DISCOVERY CUT-OFF AND DUE DATES FOR EXPERT REPORTS. In compliance with General Order 45, X.B., I hereby attest that Michael A. Jacobs and Robert A. Van Nest have concurred in this filing.

Date: July 28, 2011

/s/ Daniel P. Muino
Daniel P. Muino